

108TH CONGRESS
1ST SESSION

S. 1982

To establish within the United States Marshalls Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in homicide and major violent crime cases and to provide Federal grants for such protection.

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2003

Mr. SCHUMER (for himself, Mr. HATCH, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish within the United States Marshalls Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in homicide and major violent crime cases and to provide Federal grants for such protection.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Witness Security and
5 Protection Act of 2003”.

1 **SEC. 2. SHORT TERM STATE WITNESS PROTECTION SEC-**
 2 **TION.**

3 (a) IN GENERAL.—Chapter 37 of title 28, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 570. Short Term State Witness Protection Section**

7 “(a) IN GENERAL.—There is established in the
 8 United States Marshalls Service a Short Term State Wit-
 9 ness Protection Section which shall provide protection for
 10 witnesses in State and local trials involving homicide or
 11 other major violent crimes pursuant to cooperative agree-
 12 ments with State and local district attorneys and the
 13 United States attorney for the District of Columbia.

14 “(b) ELIGIBILITY.—The Short Term State Witness
 15 Protection Section shall give priority in awarding grants
 16 and providing services to prosecutor’s offices in States
 17 with an average of not less than 100 murders per year
 18 during the 5-year period immediately preceding an appli-
 19 cation for protection, as calculated using the latest avail-
 20 able crime statistics from the Federal Bureau of Investiga-
 21 tion.”.

22 (b) CHAPTER ANALYSIS.—The chapter analysis for
 23 chapter 37 of title 28, United States Code, is amended
 24 by striking the items for sections 570 through 576 and
 25 inserting the following:

“570. Short Term State Witness Protection Section.”.

1 **SEC. 3. GRANT PROGRAM.**

2 (a) GRANTS AUTHORIZED.—

3 (1) IN GENERAL.—The Attorney General is au-
4 thorized to make grants to State and local district
5 attorneys and the United States attorney for the
6 District of Columbia for the purpose of providing
7 short term protection to witnesses in trials involving
8 homicide or serious violent felony (as defined in sec-
9 tion 3559(c)(2) of title 18, United States Code.

10 (2) ALLOCATION.—Each district attorney re-
11 ceiving a grant under this section may either—

12 (A) use the grant to provide witness pro-
13 tection; or

14 (B) pursuant to a cooperative agreement
15 with the Short Term State Witness Protection
16 Section of the United States Marshalls Service,
17 credit the grant to the Short Term State Wit-
18 ness Protection Section to cover the costs to the
19 section of providing witness protection on behalf
20 of the district attorney.

21 (3) ELIGIBILITY.—Grants under this section
22 may only be awarded in States with an average of
23 not less than 100 murders per year during the most
24 recent 5-year period, as calculated using the latest
25 available crime statistics from the Federal Bureau of
26 Investigation.

1 (b) APPLICATION.—

2 (1) IN GENERAL.—Each eligible district attor-
3 ney desiring a grant under this section shall submit
4 an application to the Attorney General at such time,
5 in such manner, and accompanied by such informa-
6 tion as the Attorney General may reasonably re-
7 quire.

8 (2) CONTENTS.—Each application submitted
9 pursuant to paragraph (1) shall—

10 (A) describe the activities for which assist-
11 ance under this section is sought; and

12 (B) provide such additional assurances as
13 the Attorney General determines to be essential
14 to ensure compliance with the requirements of
15 this section.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$90,000,000 for each of the fiscal years 2005, 2006, and
19 2007.

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